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SOAH DOCKET NO. 473-21-0538
DOCKET NO. 51415

2021 MAY 18 PM 2:56

APPLICATION OF SOUTHWESTERN § BEFORE THE STATE OFFICE
ELECTRIC POWER COMPANY FOR § OF
AUTHORITY TO CHANGE RATES § ADMINISTRATIVE HEARINGS

AGREED REPORT REGARDING HEARING PROCEDURES

In accordance with State Office of Administrative Hearings (SOAH) Order No. 4, Southwestern Electric Power Company (SWEPCO), on behalf of all parties to this proceeding,¹ files this Agreed Report Regarding Prehearing Procedures.

The parties have conferred and recommend the following with respect to the hearing on the merits and the evidence in this proceeding:

1. **Opening Statements**: The parties agree to waive opening statements.
2. **Hearing Schedule/Phases**: The hearing on the merits will convene in this docket at 9 a.m. on May 19, 2021, and continue as necessary through May 28, 2021. The parties agree to process the hearing in accordance with the following schedule:
 - May 19-21, 2021 (continuing on May 25, if necessary) – Revenue Requirement Phase
 - SWEPCO Direct Case (Revenue Requirement)
 - Intervenor Direct / Cross-Rebuttal (Revenue Requirement)
 - Staff Direct / Cross-Rebuttal (Revenue Requirement)
 - SWEPCO Rebuttal Case (Revenue Requirement)
 - May 24, 2021 – Return on Equity/Capital Structure/Cost of Debt Phase (date certain)

¹ The undersigned is authorized to state that all parties—SWEPCO; Commission Staff; Texas Industrial Energy Consumers (TIEC); Cities Advocating Reasonable Deregulation (CARD); Office of Public Utility Counsel (OPUC); Texas Cotton Ginners' Association (TCGA); Walmart Inc.; Eastman Chemical Company (Eastman); Sierra Club; East Texas Electric Cooperative, Inc. and Northeast Texas Electric Cooperative, Inc. (ETEC/NTEC); East Texas Salt Water Disposal Company (ETSWD); and Nucor Steel Longview, LLC (Nucor)—join this agreed report.

- May 25-28, 2021 – Cost-Allocation / Rate Design Phase (will commence after completion of Revenue Requirement Phase, but will begin no earlier than May 25)
 - SWEPCO Direct Case (Cost-Allocation / Rate Design)
 - Intervenor Direct / Cross-Rebuttal (Cost-Allocation / Rate Design)
 - Staff Direct / Cross-Rebuttal (Cost-Allocation / Rate Design)
 - SWEPCO Rebuttal (Cost-Allocation / Rate Design)
3. **Order of Presentation:** The parties agree to present their witnesses in the order set forth on Attachment A to this report. While the parties have agreed to phase the hearing as set forth on the attachment, they recognize that some witnesses may have testimony or knowledge that is relevant to both the Revenue Requirement and Cost-Allocation/Rate Design issues in the case, and that some issues may overlap. Accordingly, the parties reserve the right to cross any witness on any relevant matter during any phase.
 4. **Waiver of Witnesses:** As of the time of filing this report, the parties agree to waive cross-examination on the witnesses identified on Attachment A to this report.
 5. **Admission of Pre-filed Evidence:** All parties stipulate to the admission into the evidentiary record of all witnesses' pre-filed testimonies and attached exhibits and workpapers filed by the deadlines established in SOAH Order No. 2, with the exception of that testimony the ALJs have ruled to be inadmissible. These pieces of evidence will be included on the exhibit list parties are required to submit. The parties do not stipulate to the admission of cross exhibits the parties may have.
 6. **Other Hearing Procedures:**
 - a. The following actions shall be taken **no later than Tuesday, May 18, 2021, at 3 p.m.:**
 1. SWEPCO **SHALL** file a list of persons who have signed the Protective Order.
 2. Each party **SHALL** email Kennedy Reporting (order@kennedyreporting.com) and Nadia Martinez (Nadia.Martinez@soah.texas.gov) a witness list identifying and providing contact information for all witnesses the party expects to call to testify during the hearing. The party **SHALL** also identify its witnesses, if any, for whom all other parties waived cross-examination.
 3. Each party **SHALL** email a list of its exhibits, including the party's name, the exhibit number, and a brief description of each exhibit, to the other parties and to Nadia Martinez (Nadia.Martinez@soah.texas.gov). The list shall identify

any exhibit containing Protected Materials or Highly Sensitive Protected Materials under the Protective Order issued in this case.

4. Each party **SHALL** upload documentary evidence or exhibits, including cross-examination exhibits, in electronic form via SWEPCO's iManage system. SWEPCO will set up a separate iManage location for Confidential and Highly Sensitive exhibits. Only parties who have signed the protective order certification will be provided access to the Confidential/Highly Sensitive exhibits. Exhibits shall bear the party's name and be numbered sequentially. Multipage documents shall be paginated or Bates stamped. Confidential or Highly Sensitive exhibits should NOT be included in any email.
 5. SWEPCO will provide access to the iManage system to Ms. Martinez.
 6. Each party **SHALL** email a Word version of its exhibit list to Kennedy Reporting and deliver, to Kennedy, one paper and one electronic copy on a zip-drive or CD of all their exhibits. Due to COVID restrictions, parties should call and make arrangements with Kennedy regarding delivery.
 7. Each party **SHALL** deliver to SOAH Docketing three paper copies of its exhibits, two of which should be directed to Giselle Quintero to serve as the appeals copies. For confidential/highly sensitive exhibits, parties shall deliver three extra paper copies to SOAH Docketing.
- b. For any additional exhibits a party intends to offer after May 19, 2021, the party **SHALL**:
1. Follow steps 6.a.3, 6.a.4, and 6.a.6 (except with respect to the paper copies) **no later than 8 p.m. the day before the party intends to offer the additional exhibits.**
 2. Follow step 6.a.7 **no later than 8:30 a.m. the day the party intends to offer the additional exhibit.**
 3. Provide a paper copy of all such additional exhibits to Kennedy Reporting by the end of the hearing.
- c. The parties **SHALL** provide to witnesses all documents necessary for their effective participation in the hearing. Parties should also speak to the witnesses they intend to call to testify and provide them the necessary videoconferencing information.

Respectfully submitted,

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DUGGINS WREN MANN & ROMERO, LLP

By: 
Patrick Pearsall

**ATTORNEYS FOR SOUTHWESTERN
ELECTRIC POWER COMPANY**

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on May 18, 2021, in accordance with the Second Order Suspending Rules issued in Project No. 50664 and Order No. 1 in this matter.

A handwritten signature in black ink, appearing to read "Patrick Pearsall", written over a horizontal line.

Patrick Pearsall

ATTACHMENT A

Revenue Requirement Phase

SWEPCO Direct

Smoak
Brice
Ferry-Nelson
Baird
McMahon
Seidel
Boezio
Smith
Cash
Hodgson
Carlin
Stegall (for Mertz)
Leskowitz (for Jeffries)
Wilson

ETEC/NTEC

Hunt

Sierra Club

Glick

CARD

Norwood
D. Garrett
Nalepa
E. Garrett
Webking

OPUC

Cannady

Eastman

Ali Al-Jabir

TIEC

Pollock
Laconte

PUC Staff

Ramaswamy
Stark
Poole

SWEPCO Rebuttal

Brice
Ferry-Nelson
Baird
McMahon
Seidel
Boezio
Cash
Hodgson
Carlin
Stegall
Becker
Leskowitz
Wilson
Locke
Ross

ROE/Cap Structure May 24

SWEPCO Direct

D'Ascendis
Hawkins

CARD

Woolridge

TIEC

Gorman

PUC Staff

Filarowicz

SWEPCO Rebuttal

D'Ascendis
Hawkins

Cost Allocation/Rate Design Phase May 25 or later

SWEPCO Direct

Aaron (including BTMG RR issues)
Jackson (including BTMG RR issues)

Walmart

Perry

Nucor Steel

Jim Daniel

ETSWD

Pevoto

TCGA

Evans

Eastman

Ali Al-Jabir

TIEC

Pollock

CARD

Nalepa

OPUC

Georgis

PUC Staff

Narvaez

SWEPCO Rebuttal

Burnett
Aaron
Jackson

Waived

SWEPCO

Baryenbruch
Bond
Coffey
Eiden
Filipkowski
Frantz
Healy
Pratt
Seltzer
Stoffer
Swick
Ware